

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

REYNALDO D. VINLUAN, an individual,

Plaintiff,

V.

FIDELITY NATIONAL TITLE AND  
ESCROW COMPANY, a Washington  
corporation; UNITED PACIFIC MORTGAGE,  
d/b/a AVENTUS, INC., a Washington  
corporation; SAXON MORTGAGE SERVICE,  
INC., a Texas corporation, OCWEN LOAN  
SERVICING, a Florida corporation;  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS TRUSTEE FOR  
REGISTERED HOLDERS OF MORGAN  
STANLEY ABS CAPITAL I INC. TRUST  
2007-NC3 MORTGAGE CERTIFICATES  
SERIES 2007-NC-3, a Delaware corporation;  
REGIONAL TRUSTEE SERVICE  
CORPORATION, a Washington corporation;  
and MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., a  
Delaware corporation,

## Defendants.

23 TO: Clerk, United States District Court for the Western District of Washington

## NOTICE OF REMOVAL – 1

**FIDELITY NATIONAL LAW GROUP**  
**A Division of Fidelity National Title Group, Inc.**  
**1200 - 6<sup>th</sup> AVENUE, SUITE 1900**  
**SEATTLE, WA 98101**  
**(206) 223-4525**

1           Defendant Fidelity National Title And Escrow Company (“Fidelity”) hereby Removes  
2 the captioned cause, originally filed in King County, Washington Superior Court, Case  
3 number 10-2-27688-2, to the United States District Court for the Western District of  
4 Washington. Fidelity Removes the case pursuant to 28 U.S.C. §1331 (federal question), and  
5 28 U.S.C. §1441 and 1446, on the following grounds:

- 6       1.      On July 29, 2010, Plaintiff REYNALDO D. VINLUAN filed this Complaint in  
7           King County, Washington Superior Court, Case number 10-2-27688-2-SEA.  
8           Fidelity became aware of the case on August 4, 2010 but has not been properly  
9           served.
- 10      2.      This Notice of Removal is timely under 28 U.S.C. §1446(b) because it is within 30  
11           days after Fidelity became aware of the case.
- 12      3.      No other parties have appeared in this action, so consent to removal by other  
13           defendants is not necessary.
- 14      4.      A copy of the Complaint and other documents filed in the state court action are  
15           attached to the Certificate of State Court Record, filed separately. The Complaint  
16           alleges violations of federal statutes including the truth in Lending Act, 12 U.S.C.  
17           §1601 *et seq.* and the Fair Debt Collection Practices Act, 15 U.C.C. §1962 *et seq.*  
18           Plaintiff’s claims arise under federal law and this court has jurisdiction pursuant to  
19           28 U.S.C. §1331.
- 20      5.      This Court has supplemental jurisdiction over the remaining state claims pursuant  
21           to 28 U.S.C. §1337 and §1441(c).
- 22      6.      The case may be Removed pursuant to 28 U.S.C. §1441(b) and 1446.

23           NOTICE OF REMOVAL – 2

                 FIDELITY NATIONAL LAW GROUP  
                 A Division of Fidelity National Title Group, Inc.  
                 1200 – 6<sup>TH</sup> AVENUE, SUITE 1900  
                 SEATTLE, WA 98101  
                 (206) 223-4525

1       7. The original case was filed in King County Superior Court. Accordingly, this case  
2       should be assigned to the United States District Court for the Western District of  
3       Washington, at Seattle, pursuant to 12 U.S.C. §632 and Local Rule 5(e)(1).  
4       8. CTIC will promptly file a copy of this Notice with King County Superior Court  
5       and all parties.  
6       9. Pursuant to 28 U.S.C. §1332 and 28 U.S.C. 1441(b), no further action may occur  
7       in the state court unless and until the action is remanded.

8       Wherefore, Defendant Fidelity respectfully gives notice that the above-entitled action is  
9       removed from the King County Washington Superior Court to the U.S. District Court for the  
10      Western District of Washington.

11  
12      Dated: August 11, 2010

*/s/ Matthew Cleverley*

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13      Matthew R. Cleverley, OSB #93235  
14      Fidelity National Law Group  
15      A Division of Fidelity National Title Group, Inc.  
16      1200 – 6<sup>th</sup> Avenue, Suite 1900  
17      Seattle, WA 98101  
18      (206) 223-4525, ext. 103  
19      [Matthew.Cleverley@fnf.com](mailto:Matthew.Cleverley@fnf.com)  
20      Attorney for Fidelity

## **CERTIFICATE OF SERVICE**

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing NOTICE OF REMOVAL on the following individuals in the manner indicated:

Richard Llewelyn Jones  
Richard Llewelyn Jones, P.S.  
1050 112<sup>th</sup> Ave NE, Suite 230  
Bellevue WA 98004

U.S. Mail, proper postage affixed  
 Legal Messenger  
 Facsimile  
 Hand Delivery

Dated: August 11, 2010

/s/ Matthew Cleverley  
Matthew Cleverley